

Frequently Asked Questions In-Use Off-Road Diesel Vehicle Regulation

Public Fleet Size Determination

Q - Why is fleet size important in the In-Use Off-Road Diesel Vehicle Regulation?

- A - Compliance requirements for ARB's off-road regulation vary for each fleet, and are determined based on the total off-road horsepower contained in the fleet. In the off-road regulation, there are three "fleet size categories": small, medium, and large; a fleet will have different reporting and compliance requirements depending upon their fleet category classification.

To determine the fleet size category, the horsepower of all mobile off-road vehicles under common ownership or control must be summed. Low-use vehicles, dedicated snow-removal vehicles, and vehicles used solely for emergency operations should not be included in this sum when determining the fleet size category.

Q - What do you mean by common ownership or control?

- A - If vehicles are under common ownership or control, this means they are owned or managed day to day by the same person, corporation, partnership, or association. Vehicles managed by the same directors, officers, or managers, or by corporations controlled by the same majority stockholders are considered to be under common ownership or control even if their title is held by different business entities.

Q - How do Federal and State agencies determine their fleet size?

- A - Vehicles owned by agencies of the United States and the State of California, or agencies thereof (i.e., an agency in the judicial, legislative, or executive branch of the federal or state government), must meet the large fleet requirements. Federal and state fleets may still comply and report as separate entities or as an identified fleet portion; however, they must still meet the large fleet requirements, regardless of total off-road horsepower in the fleet.

Q - What is a local municipality?

A - A “local municipality” means a city, county, city and county, special district, or other public agency, or two or more public entities acting jointly, or the duly constituted body of an Indian reservation or rancheria. Agencies of the United States of America or the State of California, and departments, divisions, public corporations, or public agencies of this State or of the United States are not considered local municipalities.

Q - How do local municipalities determine their fleet size?

A - For the purpose of determining the fleet size category of a local municipality, a municipality should first determine if it is a low-population county local municipality fleet (see below). Such fleets are considered small no matter what their horsepower. Then, local municipalities must consider that departments within a county or city or other local municipality are considered under common ownership and control because they are under the same management or “director”. Therefore, the total horsepower of all the departments must be summed to determine the overall fleet size category of small, medium, or large to be used for each department’s fleet*. The departments of a city or county or other local municipality can still report and comply separately; however, they must comply with the requirements of the fleet size category of the local municipality. For example, if the road maintenance department of a county was a small fleet, but the county overall contained over 5,000 hp (a large fleet), the road maintenance department could report and comply separately from the rest of the county fleets, but they would still have to meet the requirements of a large fleet (meet the NOx and PM requirements, beginning in 2010).

However, if a separate agency related to a city or county, such as a special district, has its own funding source and management, it would be considered a separate local municipality and fleet because it is not under common ownership or control with the city or county. A local municipal fleet of this type would determine its fleet size category based solely on the total horsepower in its fleet, and would not have to comply with the fleet size category requirements of the city or county in which it resides.

* This is different than how fleet ownership is handled in ARB’s Fleet Rule for Public Agencies and Utilities. Under that regulation, individual departments in a city or county can be completely separate fleets because the regulation’s provisions do not differ based on fleet size.

Q - What is a low-population county local municipality fleet?

A - ARB maintains a list of low-population county municipal fleets, and fleets granted low-population municipal fleet status at:

<http://www.arb.ca.gov/msprog/ordiesel/lowpopulation.htm>.

A “low-population county local municipality fleet” means a fleet that meets one of the following criteria:

- A fleet owned by a local municipality that is located in a county as defined in title 13, CCR, section 2022(b)(2) and identified in section 2022(c)(2), Table 2, The low population counties per title 13, CCR, section 2022(c)(2) are:

Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lake, Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, San Benito, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, and Yuba county.

A map of the low population counties is shown in Figure 1 on the following page.

- A fleet owned by a local municipality that is not located in a low-population county but that has requested and has received ARB Executive Officer approval to be treated like a municipality in a low population county using the criteria set forth in title 13, CCR, section 2022.1(c)(4). The following fleets have been granted low-population municipal fleet status (note that if a county is listed, only the county-wide fleet is granted low-population status, the individual municipal fleets in these counties are not granted low-population status):

City of Arcata, City of Avenal, City of Brawley, County of Butte, City of California City, City of Eureka, City of Fortuna, City of Grass Valley, County of Humboldt, County of Imperial, County of Lake Special Districts, County of Madera, County of Merced, County of Napa, City of Needles, City of Paradise, City of Ridgecrest, County of San Luis Obispo, County of Shasta, City of South Lake Tahoe, City of Tehachapi, County of Yolo.



Figure 1: Low population counties

Low-population local municipal fleets are treated as small fleets even if their total maximum power exceeds 2,500 horsepower.

To apply for the low-population county local municipality fleet status, or to obtain information on the Fleet Rule for Public Fleets and Utilities, please see ARB's website at: <http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm>, or contact Ms. Kathleen Mead at kmead@arb.ca.gov.